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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

GALLATIN WILDLIFE
ASSOCIATION ET AL.,

Plaintiffs

vs.

UNITED STATES FOREST
SERVICE ET AL.,

Defendants

HELLE LIVESTOCK ET AL.,

Defendant-Intervenors.

Cause No. CV-15-27-BU-BMM

PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT AND
REQUEST FOR ORAL
ARGUMENT

Pursuant to Federal Rule of Civil Procedure 56 and this Court's Local Rule 7.1, Plaintiffs Gallatin Wildlife Association, WildEarth Guardians, Western Watersheds Project, and Yellowstone Buffalo Foundation respectfully move this Court to grant summary judgment in their favor. The Parties have been contacted in accordance with L.R. 7.1(c)(1) and Defendants United States Forest Service, Helle and Rebish/Konen Defendant-Intervenors, and Sheep-Industry Defendant-Intervenors all oppose this motion.

Specifically, Plaintiffs move for summary judgment on their claim that the Revised Forest Plan for the Beaverhead-Deerlodge National Forest was promulgated in violation of the National Environmental Policy Act ("NEPA"). Plaintiffs also move for summary judgment on their claim that Defendant United States Forest Service's failure to consider whether to prepare, and ultimately to actually prepare, supplemental NEPA analyses for the allotment management plans that apply to the domestic sheep grazing allotments in the Beaverhead-Deerlodge National Forest before irreversibly and irretrievably committing its resources is in violation of NEPA.

Plaintiffs also file a brief in support of this Motion, along with nine declarations establishing the Plaintiffs' standing to bring this suit and the

harms that support issuance of a permanent injunction. Plaintiffs request oral argument on this Motion.

For the reasons provided in the brief in support of this Motion, Plaintiffs contend that there is no genuine disputed issue as to any material fact and that they are entitled to judgment as a matter of law on their claim. Consequently, Plaintiffs respectfully pray that this Court grant summary judgment in their favor, declare that Defendant United States Forest Service has violated the law, and grant the Parties leave to work together to establish a binding timeline for required NEPA analyses. In the alternative, Plaintiffs request that this Court issue permanent injunctive relief from domestic sheep grazing or trailing in the Beaverhead-Deerlodge National Forest.

Respectfully submitted this 25th day of February, 2016.

/s/ Stuart Wilcox

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